

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTONIO GANTT,

Defendant.

2:08-CR-00148-PMP-RJJ

ORDER

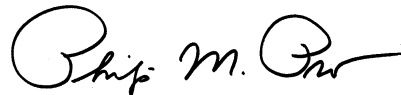
The Court having read and considered Defendant Gantt's Motion Pursuant to 28 U.S.C. § 2255 Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (Doc. #66) filed June 13, 2011, and the Government's Response in Opposition thereto (Doc. #72), and good cause appearing,

The Court finds that Defendant Gantt's Motion (Doc. #66) must be denied.

Specifically, Defendant Gantt has failed to show that his defense counsel's performance was deficient or prejudice under the standards articulated in Strickland v. Washington, 466 U.S. 668, (1984). To the extent Gantt's Motion goes beyond a challenge to the effectiveness of his counsel, Gantt has waived his right to challenge under the Plea Agreement in this case. Finally, as noted in the Opposition filed by the Government, Gantt's challenge to the manner in which his sentence calculated by the Bureau of Prisons is not cognizable before this Court at this time as Gantt has failed to exhaust required Federal Administrative remedies.

1 **IT IS THEREFORE ORDERED** that Defendant Antonio Gantt's Motion
2 Pursuant to 28 U.S.C. § 2255 Vacate, Set Aside or Correct Sentence by a Person in
3 Federal Custody (Doc. #66) is **DENIED**.

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5 DATED: August 18, 2011.

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8 PHILIP M. PRO
9 United States District Judge
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